

#35

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

D'AMATO ET AL.

Serial No. 09/780,650

Filed: February 12, 2001

For: ESTROGENIC COMPOUNDS AS
ANTI-MITOTIC AGENTS

Art Unit: 1616

Examiner: Badio, B.

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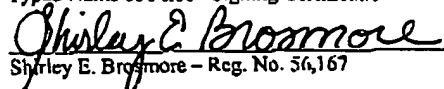
**RENEWED PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 C.F.R. §1.313(c)(2) FOR CONSIDERATION OF A REQUEST FOR
CONTINUED EXAMINATION IN COMPLIANCE WITH 37 C.F.R. §1.114**Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Attn: Office of Petitions

Applicants hereby petition the Office under 37 C.F.R. §1.313(c)(2) to withdraw the above-identified application from issue to permit consideration of a Request for Continued Examination in compliance with 37 C.F.R. §1.114, for the purpose of consideration of a Supplemental Information Disclosure Statement. This Renewed Petition is filed pursuant to the Decision on Petition mailed October 18, 2004, from the Office of Petitions (copy attached). In that Decision, the Office of Petitions indicated that if the application is returned to pending status and reconsideration of the Petition to Withdraw Application from Issue is desired, the applicants must submit a Renewed Petition under 37

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office
(Fax No. 571-273-0025) on the date shown below.

Typed Name of Person Signing Certification:


Shirley E. Brosmore - Reg. No. 56,167

March 7, 2005

Date

Renewed Petition to Withdraw Application from Issue Under 37 C.F.R. 1.313 (c)(2)
Serial No. 09/780,650
March 7, 2005
Page 2 of 2

CFR §1.313(c)(2). Further, the Office of Petitions indicated that no new RCE, IDS or further petition fee was required. A Decision on the Petition to Withdraw Holding of Abandonment under 37 CFR §1.181 was granted on January 6, 2005 (copy attached).

Pursuant to a review of the PAIR Website on March 3, 2005, applicants understand that the file was received into Publications on February 9, 2005 (copy of transaction history attached).

In view of the foregoing, applicants request that this Renewed Petition be granted, and that the references and application be considered by the Examiner in the continued examination of this application. If any issues remain that may be resolved by telephone interview, a telephone call to the undersigned agent at 404-745-2502 is respectfully requested.

The U.S. Patent and Trademark Office is hereby authorized to deduct any additional fees that may be required or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



Shirley E. Brosmore
Reg. No. 56,167

KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E., Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 541 3355
Attorney Docket No. 05213-0493 (43170-253692)



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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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OCT 18 2004

OFFICE OF PETITIONS

In re Application of
Robert J. D'Amato, et al.
Application No. 09/780,650
Filed: February 12, 2001
Attorney Docket No. 43170-253692
(5213-493)

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2) filed October 1, 2004, requesting that the above-identified application be withdrawn from issue after payment of the issue fee.

In reviewing the application, it is noted that the application is abandoned. The issue fee, as required by the Notice of Allowance and Issue Fee Due mailed October 17, 2003, was not timely paid. In fact, the issue fee was not submitted until May 24, 2004, accompanied by a petition to withdraw the holding of abandonment. The petition was referred to the Technology Center for a decision thereon.

At present the petition under 37 CFR 1.313(c)(2) is dismissed. Consequently, the accompanying RCE and IDS will not be further processed. This decision is made without prejudice to reconsideration, pending a favorable decision of the petition filed May 24, 2004.

If the application is returned to a pending status and reconsideration of the present petition is desired, petitioner must submit a renewed petition under 37 CFR 1.313(c)(2) (no new RCE, IDS or further petition fee required). Any renewed petition to withdraw from issue should be faxed or hand-carried to the Office of Petition. Our fax number is (571) 273-0025. Petitioners must call (571) 272-6053 to coordinate hand-carried petitions under 37 CFR 1.313.

Any questions concerning this decision may be directed to the undersigned at (571) 272-3204. Status of the petition filed May 24, 2004 should be directed to Technology Center AU 1616.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy

KS Docketing

Docketed for: _____
Entered on: 10-28-2004
Initials: SKB
Previously Entered: _____



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mail Date: Jan 06, 2005

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

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In re Application of
Robert John D'Amato et al
Serial No.: 09/780,650
Filed: February 12, 2001
Attorney Docket No.: 43170-253692

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: PETITION DECISION
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OFFICE OF PETITIONS

This is in response to the petition under 37 CFR 1.181, filed May 24, 2004, for withdrawal of abandonment of the above identified application based on failure to receive an Office action. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on October 17, 2003, setting a three month statutory period for payment of the Issue Fee. Upon failure to receive the Issue Fee, the application became technically abandoned on January 21, 2004 (January 17, 2004 being a Saturday of a holiday weekend), however no Notice of Abandonment was mailed to applicants. Applicants belatedly learned of the issuance of the Notice of Allowance and Issue Fee Due and obtained a copy thereof. Applicants state that the original Notices were not received and provide statements and copies of docket records establishing that the Notices were not received. In view of the evidence presented the Abandoned status is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

As applicants have obtained a copy of the Notice of Allowance and Issue Fee Due and have paid the Issue Fee the application is in condition for publication as a patent. It is, however, noted that applicants have concurrently filed a petition for granting of a delayed priority claim and RCE papers with a petition to withdraw the application from issue. These papers will be processed by the Office of Petitions in due course.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0591 or by facsimile sent to the general Office facsimile number, 703-872-9306.


Bruce M. Kisliuk

Director, Technology Center 1600

KS Docketing

Docketed for: _____
Entered on: 1-14-2005
Initials: SKS
Previously Entered: _____



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09/780,850

ESTROGENIC COMPOUNDS AS ANTI-MITOTIC AGENTS

Application Data	Transaction History	Patent Term Adjustments	Continuity Data	Published Documents	Publication Dates	Address & Attorney/Agent
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Date	Content Description
02-09-2005	Receipt into Pubs
05-25-2004	Petition Entered
01-07-2004	Petition to Revive Application - Granted
12-18-2003	Oath or Declaration Filed (Including Supplemental)
09-29-2004	Workflow - Request for RCE - Begin
09-27-2004	Receipt into Pubs
09-24-2004	Workflow - Query Request - Begin
09-18-2004	Receipt into Pubs
09-16-2004	Mail Miscellaneous Communication to Applicant
06-03-2004	Miscellaneous Communication to Applicant - No Action Count
05-24-2004	Petition Entered
05-24-2004	Workflow incoming petition IFW
05-24-2004	Issue Fee Payment Recorded
04-05-2004	Amendment after Notice of Allowance (Rule 312)
04-28-2004	Correspondence Address Change
04-07-2004	Receipt into Pubs
02-04-2004	Miscellaneous Incoming Letter
01-29-2004	Receipt into Pubs
01-28-2004	Workflow - File Sent to Contractor
01-28-2004	Receipt into Pubs
10-17-2003	Mail Notice of Allowance
10-17-2003	Mail Formal Drawings Required
10-16-2003	Formal Drawings Required
10-16-2003	Notice of Allowance Data Verification Completed
10-16-2003	Notice of Allowability
09-12-2003	Date Forwarded to Examiner
09-12-2003	Date Forwarded to Examiner
09-10-2003	Request for Continued Examination (RCE)
09-12-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
09-10-2003	Request for Extension of Time - Granted
07-30-2003	Workflow - Request for RCE - Begin
01-27-2003	Mail Notification of Terminal Disclaimer - Accepted
01-27-2003	Mail Final Rejection (PTOL - 326)
01-27-2003	Final Rejection
01-21-2003	Notification of Terminal Disclaimer - Accepted
09-04-2002	Terminal Disclaimer Filed
12-20-2002	Date Forwarded to Examiner
09-04-2002	Response after Non-Final Action
09-30-2002	Petition Decision - Granted
09-04-2002	Petition Entered
06-18-2002	Information Disclosure Statement (IDS) Filed
05-30-2002	Mail Non-Final Rejection
05-30-2002	Non-Final Rejection
05-23-2002	Preliminary Amendment
04-24-2001	Payment of additional filing fee/Preexam
04-01-2002	Date Forwarded to Examiner

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03-25-2002	Response to Election / Restriction Filed
01-28-2002	Mail Restriction Requirement
01-25-2002	Requirement for Restriction / Election
01-11-2002	Case Docketed to Examiner in GAU
10-11-2001	Application Dispatched from OIPE
10-11-2001	Correspondence Address Change
10-02-2001	Correspondence Address Change
06-21-2001	Case Docketed to Examiner in GAU
06-06-2001	Application Dispatched from OIPE
03-28-2001	IFW Scan & PACR Auto Security Review
03-19-2001	Correspondence Address Change
03-08-2001	IFW Scan & PACR Auto Security Review
02-12-2001	Initial Exam Team nn

The Patent Electronic Business Center is available to assist with PAIR questions at (866) 217-9197 (toll free) or EBC@uspto.gov.

*** RX REPORT ***

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